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BRINKS  
HOFFER  
GILSON  
& LIONE

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Appln. of: Perry et al.

Appln. No.: 09/746,611

Filed: December 21, 2000

For: COMPUTERIZED METHOD FOR  
EVALUATING AND SHAPING A  
BUSINESS PROPOSAL

Examiner: C. Michelle Tarae

Art Unit: 3623

Attorney Docket No: 10022/24

Mail Stop Appeal Brief - Patents  
Commissioner for Patents  
P. O. Box 1450  
Alexandria, VA 22313-1450

## TRANSMITTAL

Sir:

## Attached is/are:

- ☒ Appeal Brief: Replacement Summary Section (in triplicate).  
☒ Return Receipt Postcard.

## Fee calculation:

- ☒ No additional fee is required.  
☐ Small Entity.  
☐ An extension fee in an amount of \$\_\_\_\_\_ for a \_\_\_\_\_-month extension of time under 37 C.F.R. § 1.136(a).  
☐ A petition or processing fee in an amount of \$\_\_\_\_\_ under 37 C.F.R. § 1.17(\_\_\_\_).  
☐ An additional filing fee has been calculated as shown below:

					Small Entity			Not a Small Entity	
	Claims Remaining After Amendment		Highest No. Previously Paid For	Present Extra	Rate	Add'l Fee	or	Rate	Add'l Fee
Total		Minus			x \$25=			x \$50=	
Indep.		Minus			X100=			x \$200=	
First Presentation of Multiple Dep. Claim					+\$180=			+\$360=	
					Total	\$		Total	\$

## Fee payment:

- ☐ A check in the amount of \$\_\_\_\_\_ is enclosed.  
☐ Please charge Deposit Account No. 23-1925 in the amount of \$\_\_\_\_\_. A copy of this Transmittal is enclosed for this purpose.  
☐ Payment by credit card in the amount of \$\_\_\_\_\_ (Form PTO-2038 is attached).  
☒ The Director is hereby authorized to charge payment of any additional filing fees required under 37 CFR § 1.16 and any patent application processing fees under 37 CFR § 1.17 associated with this paper (including any extension fee required to ensure that this paper is timely filed), or to credit any overpayment, to Deposit Account No. 23-1925.

Respectfully submitted,

Date July 9, 2007John R. Lagowski  
John R. Lagowski (Reg. No. 41,922)BRINKS HOFER GILSON & LIONE  
NBC Tower - Suite 3600, 455 N. Cityfront Plaza Drive, Chicago, IL 60611-5599



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Date of Deposit: July 9, 2007

PATENT  
CASE NO. 10022/24

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application: )  
)  
Perry et al. )  
) Group Art Unit: 3623  
)  
Serial No.: 09/746,611 )  
) Examiner: C. Michelle Tarae  
Filed: December 21, 2000 )  
)  
For: COMPUTERIZED METHOD )  
FOR EVALUATING AND )  
SHAPING A BUSINESS )  
PROPOSAL )

**APPEAL BRIEF: REPLACEMENT SUMMARY SECTION**

Mail Stop Appeal Brief-Patents  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

This paper is being filed in response to the Notification of Non-Compliant Appeal  
Brief mailed on June 11, 2007, and includes a replacement "Summary of Claimed  
Subject Matter" section for the Appeal Brief filed on April 25, 2007.

**V. SUMMARY OF CLAIMED SUBJECT MATTER (replacement)**

An understanding of the subject matter of independent claims 1, 18, and 32 can be made upon a review of the embodiments of the invention as follows.

Claims 1 and 18 claim a method of evaluating information to rank (claim 1) or calculate advantages of (claim 18) at least two different business structures between two parties. The information is gathered from at least one database. For example, a centralized database may be routinely updated with information about the businesses of the parties (P. 5, ll. 6-14; P. 16, ll. 10-22). A computer evaluates the information and provides the ranking (or calculated advantages). Claims 1 and 18 are specifically directed at evaluating information to rank at least two of the following possible business structures: alliance, acquisition, equity venture, partnership, and venture (P. 6, ll. 1-8; P. 21, ll. 16-17).

The process includes displaying questions relevant to the possible business structures (P. 11, ll. 27-29; P. 12, l. 29 to P. 13, l. 2; FIG. 9). For example, the questions may relate to the environments, revenue drivers, and risks of the businesses of the parties. The system provides a user access to the centralized database to obtain information to answer the questions (P. 11, l. 29 to P. 12, l. 2; P. 12, ll. 8-15; FIG. 7). The database has information about the parties that is pertinent to the agreement (P. 11, ll. 9-22). In addition, a user may define a query to add criteria for performing a search in the database (P. 13, l. 3). Both the answers to the questions and the query are used to search for information that will provide a basis to automatically evaluate and rank (or calculate advantages of) the business structures (P. 12, ll. 2-4).

The process is iterative and includes at least one reevaluation act (P. 13, II. 12-13) such as reevaluating the business environment and risk information (FIG. 10).

Claim 32 is directed at a computer system programmed to execute the computerized process discussed above to generate an output for evaluating at least two of the following possible business structures: alliance, acquisition, equity venture, partnership, and venture (P. 11, I. 21 to P. 12, I. 7; P. 14, II. 19-22).

**Conclusion**

It is believed that the replacement Summary section complies with the requirements of 37 CFR 41.37. Entry of the replacement Summary section is hereby requested.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "John R. Lagowski", is written over a horizontal line.

John R. Lagowski  
Registration No. 41,922  
Attorney for Appellants

BRINKS HOFER  
GILSON & LIONE  
P.O. Box 10395  
Chicago, Illinois 60610  
(312) 321-4200

Dated: July 9, 2007